



Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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August 17, 2007

Mr. James Marshall
Senior Engineering
NPDES Permit Unit – San Joaquin River
11020 Sun Center Drive #200
Sacramento, CA 95670

**SUBJECT: Renewal of Waste Discharge Requirements (NPDES No. CA0079243) and
Time Schedule Order for City of Lodi White Slough Water Pollution Control
Facility, San Joaquin County**

Dear Mr. Marshall:

The Central Valley Clean Water Association (“CVCWA”) appreciates the opportunity to provide comments on the *Tentative Order for the City of Lodi Whiteslough Water Pollution Control Facility* (“WPCF”), prepared by the Regional Water Quality Control Board (“Regional Board”) staff. In particular, CVCWA is concerned with provisions contained in the Tentative Order regarding compliance schedules for ammonia and aluminum and the effluent limitations for aluminum and the pH limitations. On the other hand, CVCWA supports the provisions contained within the Tentative Order for determining hardness to calculate hardness-dependent criteria. CVCWA’s specific comments on these issues are as follows.

Compliance Schedules for Ammonia and Aluminum

The tentative order contains compliance schedules for ammonia and aluminum that are based on the compliance schedule provisions for California Toxic Rule (“CTR”) constituents as is contained in the Code of Federal Regulations for CTR pollutants. The tentative order contains a final compliance date of May 18, 2010 for these two constituents. CVCWA is concerned with the implication of such a final compliance date for two non-CTR constituents. The compliance schedule provisions in the CTR apply only to CTR constituents and are not applicable to non-CTR constituents. For non-CTR constituents, the Regional Board must apply the compliance schedule provisions as contained in the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (“Basin Plan”). Under the Basin Plan provisions, the Regional Board must establish a final compliance date that is based on the shortest practicable time required to achieve compliance. Compliance schedules under this provision are therefore as short as practicable but may not exceed ten years in length. CVCWA encourages the Regional Board to

properly identify the appropriate authority for establishing compliance schedules for ammonia and aluminum within the tentative order.

Final Effluent Limitations for Aluminum

CVCWA has previously commented regarding the Regional Board's use of the U.S. EPA recommended ambient water quality criteria for aluminum in Central Valley permits. As CVCWA and others have previously expressed, the recommended U.S. EPA ambient water quality criteria were not developed for streams and waterways that are reflective of those in the Central Valley. The recommended ambient water quality criterion for chronic aluminum was developed in water that was very low in pH and very low in hardness. That is not typically found in the Central Valley.

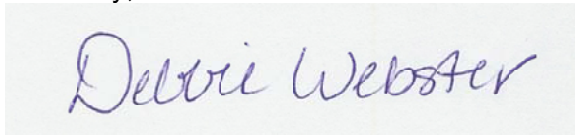
CVCWA understands that three of its members are currently in the process of conducting water effects ratio studies. According to our members, sampling results from these WER studies indicate that the WERs are large, therefore showing a lack of toxicity. We understand that the sampling results from these studies have already been, or in the near future will be, provided to the Regional Board staff under separate cover. In light of the information garnered from these studies, CVCWA encourages the Regional Board to not apply the EPA ambient water quality criteria for aluminum to Central Valley waterways, unless the Regional Board determines that there is substantial evidence to suggest that the criteria is applicable to the receiving water in question. CVCWA encourages the Regional Board to continue to engage CVCWA and its members in a dialogue on this issue.

Hardness

CVCWA supports the Regional Board's approach for determining hardness to calculate hardness dependent criteria as is expressed in the Fact Sheet to the tentative order at F-19. CVCWA has been a long proponent of the approach articulated in studies by Dr. Robert Emerick (Eco:Logic) and Dr. Mitchell Mysliwiec (Larry Walker Associates). We are pleased to see that the Regional Board has evaluated these studies and concurs with the approach expressed by these two experts.

CVCWA appreciates all of the Regional Board's efforts in attempting to address all of these difficult issues. If you have any questions regarding our comments, please do not hesitate to contact me at (887) 282-9285.

Sincerely,



Debbie Webster, Executive Officer

cc: Mr. Del Kerlin, City of Lodi
Ms. Kathryn Gies, West Yost Associates
Mr. Richard C. Prima Jr., City of Lodi